

Message

**From:** CN=David Evans/OU=DC/O=USEPA/C=US [CN=David Evans/OU=DC/O=USEPA/C=US]  
**Sent:** 9/29/2010 1:05:19 PM  
**To:** CN=Richard Parkin/OU=R10/O=USEPA/C=US@EPA  
**CC:** CN=Palmer Hough/OU=DC/O=USEPA/C=US@EPA; CN=Brian Frazer/OU=DC/O=USEPA/C=US@EPA; CN=Christopher Hunter/OU=DC/O=USEPA/C=US@EPA; N=Brian Frazer/OU=DC/O=USEPA/C=US@EPA; CN=Christopher Hunter/OU=DC/O=USEPA/C=US@EPA; N=Christopher Hunter/OU=DC/O=USEPA/C=US@EPA  
**Subject:** Re: Fw: Next steps on evaluating a potential pre-permit application 404(c) action in Bristol Bay

Rick,

My schedule typically jammed, but wanted to check what times today or tomorrow could work for a quick call with you. Let me know best times and I'll juggle what I can to make one of them work.

Dave

David Evans, Director  
Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
(202) 566-0535

**From:** Richard Parkin/R10/USEPA/US  
**To:** David Evans/DC/USEPA/US@EPA  
**Cc:** Michael Szerlog/R10/USEPA/US@EPA  
**Date:** 09/28/2010 06:10 PM  
**Subject:** Re: Fw: Next steps on evaluating a potential pre-permit application 404(c) action in Bristol Bay

# Ex. 5 Deliberative

# Ex. 5 Deliberative

## Ex. 5 Deliberative

Ex. 5 Deliberative

## Ex. 5 Deliberative

# Ex. 5 Deliberative

Rick Parkin  
U.S. EPA, Region 10  
(206) 553-8574

From: David Evans/DC/USEPA/US  
To: Richard Parkin/R10/USEPA/US@EPA  
Date: 09/28/2010 05:21 AM  
Subject: Fw: Next steps on evaluating a potential pre-permit application 404(c) action in Bristol Bay

Rick,

I expect Michael has/will keep you informed of this effort, but wanted to be sure you had copy of Palmer's message that explains what Denise Keehner has requested as advance work relative to decisions on proceeding with a 404(c) action.

Let me know if you'd like to discuss.

Dave

David Evans, Director  
Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
(202) 566-0535  
----- Forwarded by David Evans/DC/USEPA/US on 09/28/2010 08:20 AM -----

From: Palmer Hough/DC/USEPA/US  
To: Michael Szerlog/R10/USEPA/US@EPA, Phil North/R10/USEPA/US@EPA, Clay Miller/DC/USEPA/US@EPA  
Cc: Christopher Hunter/DC/USEPA/US@EPA, Brian Frazer/DC/USEPA/US@EPA, David Evans/DC/USEPA/US@EPA, Heidi Karp/DC/USEPA/US@EPA  
Date: 09/27/2010 08:37 PM  
Subject: Next steps on evaluating a potential pre-permit application 404(c) action in Bristol Bay

Michael/Phil/Clay:

As noted by Dave Evans in his email below, Denise Keehner met with key stakeholders from Bristol Bay last week. Following the

meeting Denise requested that a small team of staff from R10 and HQ fully evaluate the potential for initiating a pre-permit application 404(c) action in Bristol Bay. Your names have already been identified as key members of this team, others may be added as we move forward.

In order for EPA to make an informed decision regarding whether or not to initiate a pre-permit application 404(c) action in BB, we must first identify the key questions that need to be answered and then determine whether these questions can be answered based on available information (or reasonably available information).

In order to get us started, I've taken a first crack at these key questions. I've identified five, some with sub-questions, that I think are essential. Please take a look at these and let me know if you have additions or edits.

I would really appreciate your initial input by COB Wed 9/29 and would like to have a call to discuss this input on Thursday or Friday of this week if possible.

I look forward to working closely with y'all on this effort. Mike and Phil, I am particularly interested in your perspectives since I know you have been deeply involved in evaluating this project for many months.

Thanks, Palmer

[attachment "Key Questions Regarding a Potential Pre-Permit Application 404(c) Action in Bristol Bay.doc" deleted by David Evans/DC/USEPA/US]

---

Palmer Hough, Environmental Scientist  
tel: 202.566.1374 I fax: 202.566.1375

Wetlands Division  
U.S. EPA Headquarters (MC 4502T)  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
[www.epa.gov/wetlands](http://www.epa.gov/wetlands)

----- Forwarded by Palmer Hough/DC/USEPA/US on 09/27/2010 08:09 PM -----

From: David Evans/DC/USEPA/US  
To: Palmer Hough/DC/USEPA/US@EPA, Brian Frazer/DC/USEPA/US@EPA, "Richard Parkin" <Parkin.Richard@epamail.epa.gov>, "Mr. Michael Szerlog" <Szerlog.Michael@epamail.epa.gov>  
Date: 09/24/2010 05:50 PM  
Subject: Re: Summary of 9/22/10 OWOW meeting with Bristol Bay stakeholders

Thanks Palmer, almost feel like I was there (I wasn't, was I?). Sharing with Rick and Michael so they have benefit of your great summary.

Brian filled me in on discussions with Denise for work ahead - to more fully assess the proactive "c" option, which we'll be collaborating with R10 on. Exciting assignment, right up your alley.

Dave  
David Evans, Director  
Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
(202) 566-0535  
(202) 725-6415 (cell)

-----Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Palmer Hough

Sent: 09/24/2010 03:22 PM EDT

To: Brian Frazer; David Evans

Cc: Denise Keehner; MichaelG Lee; Heidi Karp; Stacie Craddock; Christopher Hunter

Subject: Summary of 9/22/10 OWOW meeting with Bristol Bay stakeholders

Dave/Brian:

As you know, a number of Bristol Bay, Alaska stakeholders were in town this week and requested a meeting with OWOW. On 9/22/10, Denise Keehner and a number of her staff met with these stakeholders to hear their concerns regarding Pebble Limited Partnership's mining project which is proposed to be located in the headwaters of Bristol Bay. These stakeholders included representatives from local Tribes, the Bristol Bay Native Corporation, Bristol Bay Regional Seafood Development Association, Alaska Independent Fishermans Marketing Association, and environmental groups (TU and NRDC) (see attached sign-in sheet).

They described the unique and important natural resources found in Bristol Bay particularly its world class fisheries resources (e.g., sock-eye salmon). They described their concerns that the likely extensive environmental impacts associated with the proposed Pebble mine project would critically degrade the Bay's fisheries resources causing significant ecological and economic harm.

These stakeholders highlighted the widespread public concern regarding the proposed mining project, including widespread corporate opposition - most notably a coalition of jewelers led by Tiffany's and Co. that have pledged their support for the protection of Bristol Bay.

The stakeholders also discussed the requests that have been made to EPA to review the proposed project pursuant to our authority under CWA section 404(c). They noted how important it was that Administrator Jackson recently visited the area and met with stakeholders to personally hear their concerns.

During our meeting, stakeholders expressed their strong belief that, based on the nature and extent of the likely adverse impacts of the Pebble project and the quality and value of the natural resources at stake, EPA should take the extraordinary step of initiating review of this project under 404(c) even though a section 404 permit application has not yet been formally submitted by Pebble to the Corps of Engineers. Additionally the stakeholders noted that the need to act now is also based on their own concerns that the project's likely extensive environmental impacts would harm investment in Bristol Bay potentially hurting all of their interests.

Denise noted that EPA has heard their concerns, as evidenced by the Administrator's recent trip to the area, and that the agency is reviewing the requests for EPA action pursuant to 404(c). The stakeholders noted that they have compiled a great deal of scientific and technical information describing Bristol Bay's natural resources and their vulnerability to the impacts of mining and that they would share these materials with EPA to help inform our deliberations.

Please let me know if you would like additional information regarding this meeting.

Thanks, Palmer

PS: Some of the attendees did not make it onto the sign-in sheet (e.g. Wayne Natri) but we are working with the meeting organizer to fill in these gaps and will circulate a complete sign-in sheet.

[attachment "9-22-10 BB stakeholders meeting with OWOW\_sign in sheet.pdf" deleted by David Evans/DC/USEPA/US]

---

Palmer Hough, Environmental Scientist  
tel: 202.566.1374 | fax: 202.566.1375

Wetlands Division  
U.S. EPA Headquarters (MC 4502T)  
1200 Pennsylvania Avenue, NW

Washington, DC 20460  
[www.epa.gov/wetlands](http://www.epa.gov/wetlands)